FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.359 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Shriniwas Kamble i/by A.M. Saraogi for the petitioner.

Mr.Rajiv Mane for Respondent no.2.

Mr.U.V.Nikam APP for the State.

Coram : R.S.Mohite,J

Date : 12.4.2006.

PC

1. The affidavit filed by the respondent-wife is taken on record. Heard both sides. Rule. By consent, rule made returnable forthwith.

2. The petition is filed for quashing C.C.No.279/PW/05 pending before the 32nd Metropolitan Magistrate Court, Bandra, Mumbai. The same has been registered on the basis of a complaint lodged by the wife

alleging offence under Section 498-A and 406 r/w 34 of IPC. It appears that husband and wife subsequently resolved their dispute. The husband has filed a petition in the family Court being M.J.Petition No.A-500 of 2003 for grant of divorce. The petition was filed by mutual consent and consent terms have been filed therein resolving all the issues between the husband and wife including the custody of the child. The husband has agreed to deposit Rs.6,50,000/- in the Court to be paid to the wife and this amount has already been deposited by the husband in the trial Court. The wife is entitled to withdraw this amount after quashing of the FIR which has resulted in criminal case no.279/PW/05. Taking into consideration the fact that parties have resolved all their disputes and an affidavit has been filed by the respondent-wife giving her no objection for quashing of the

FIR, the petition is allowed in terms of prayer clause-(a). Rule is made absolute in the aforesaid terms. Petition stands disposed of.

(R.S.Mohite,J)